CANADA.

RETURN to an Address of the Honourable The House of Commons, dated 13 August 1838;—*for*,

COPIES of an ORDINANCE passed by the GOVERNOR and SPECIAL COUNCIL of *Lower Canada*, intituled, "An Ordinance to provide for the Security of the Province of *Lower Canada*;" and, of a PROCLAMATION issued by the Governor of *Lower Canada* on the 28th June last.

Colonial Department, Downing-street, 14 August 1838.

G. GREY.

EXTRACT of a DESPATCH from the Earl of *Durham* to Lord *Glenelg*, dated Castle of St. Lewis, Quebec, 29 June 1838.

THE first step which I took on my arrival was to examine most carefully the list of prisoners and the depositions affecting each: in so doing, I discovered that against only eight or nine there existed any evidence which would warrant the application of great severity, the chief leaders and instigators of the revolt having fled from the province and being in safety in the United States. I next applied myself, by answers to addresses and private applications, to the discouragement of any notion of the possibility of a general amnesty, and announced that my determination was to punish the guilty and to extend mercy to the misguided; for which purpose I issued a special commission for the trial of the prisoners, and sent the Attorney-general with it to Montreal. These measures produced the salutary consequences which I expected, and, joined to other means through which they became convinced that I would not suffer the guilty to escape, induced the ringleaders to plead guilty, and throw themselves on the mercy of the Crown.

Yesterday I summoned a special council, a list of the members of which I enclose your Lordship, and passed an ordinance by which the prisoners who pleaded guilty are transported from the continent of America during Her Majesty's pleasure. M. Papineau and his associates, who fled from justice, are prevented from re-entering the province, and the remainder are enlarged on giving security for their good conduct. I also issued a proclamation in Her Majesty's name, which announces the latter act of grace at the same time with the ordinance which inflicts the punishment.

These measures have met with the entire approbation of Sir John Colborne and of the heads of what is called the British party: they declared they did not require any sanguinary punishment, but they desired security for the future, and the certainty that the returning tranquillity of the province should not be arrested by the machinations of these ringleaders of the rebellion, either here or in the United States. This I have effected for them to their contentment. I did not think it right to transport these persons to a convict colony, for two reasons: first, because it was affixing a character of moral infamy on their acts which public opinion would not sanction; and, secondly, because I hold that it would

be impolitic to force on the colony itself persons who would be looked upon in the light of political martyrs, and thus acquire, perhaps, a degree of influence which might be applied to evil uses in a community composed of such dangerous elements. On consultation, therefore, with Vice-admiral Sir Charles Paget, I determined on sending them to Bermuda, where they could be placed under strict restraint and surveillance. There is, however, little fear of their attempting to escape, as such an act would close at once and for ever the door against their ever re-entering their native country.

Sir Charles Paget has ordered the Vestal to be prepared to take the prisoners, eight in number, to Bermuda immediately on their arrival here; and I trust, therefore, that in a very few days there will not remain in confinement one single person charged with treasonable and seditious practices in this province. Of course I do not refer to the murderers of Lieutenant Weir, who will be arraigned in the usual manner at the usual assizes, and whose case ought to be clearly excepted from the class of political offenders.

Copy of an ORDINANCE passed in the Special Council.
Anno Secundo Victoriæ Reginæ.

CAP. I.

AN ORDINANCE to provide for the Security of the Province of *Lower Canada*.

Whereas divers persons, subjects of Her Majesty in this province, have been charged with high treason and other offences of a treasonable nature, some of which said persons are at present in custody, and others have withdrawn themselves from the pursuit of justice beyond the limits of this province: And whereas of the persons so charged and in custody, those whose names follow, that is to say, Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson, all respectively now in the gaol of Montreal, in custody of the Sheriff of Montreal, have severally acknowledged their participation in such high treason, and have submitted themselves to the will and pleasure of Her Majesty: And whereas Louis Joseph Papineau, a member of the late Assembly of Lower Canada, and Speaker thereof, Cyrile Hector Octave Côte, also a member of the said late Assembly, Julien Gagnon, Robert Nelson, also a member of the said late Assembly, Edmund Burke O'Callaghan, also a member of the said late Assembly, Edouard Etienne Rodier, also a member of the said late Assembly, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, a priest, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, all respectively subjects of Her said Majesty, and against whom respectively warrants for high treason have been issued, have severally absconded from this province and withdrawn themselves from the limits thereof, and from the pursuit of justice: And whereas it is Her said Majesty's most gracious will and pleasure that no further proceedings shall be had or taken against any persons whomsoever on account of such high treason or other offences of a treasonable nature, save and except as hereinafter provided; but it is nevertheless expedient to provide for the present security of this province by effectually preventing the several persons whose names are hereinbefore set forth from being at large therein; Be it therefore ordained and enacted by his Excellency the Governor of the Province of Lower Canada, by and with the consent and advice of the Special Council for the affairs of the said Province of Lower Canada constituted and assembled by virtue of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority aforesaid, That it shall and may be lawful for Her Majesty

Majesty to transport to Her Majesty's islands of Bermuda, during Her pleasure, the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson respectively, and to subject them or any of them to such restraints in the said islands as may be needful to prevent their return to this province: And it is further ordained and enacted, by and with the authority aforesaid, That if the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, and Luc Hyacinthe Masson respectively, or any of them, or if the said Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, against whom respectively such warrants for high treason have been issued, and also have so withdrawn themselves from the pursuit of justice as aforesaid, or any of them, shall at any time hereafter, except by permission of the Governor-general of Her Majesty's Provinces on the Continent of North America and High Commissioner for the adjustment of certain important questions depending in the provinces of Upper and Lower Canada, or if there shall be no such Governor-general and High Commissioner, by the permission of the Governor-in-chief, or Governor or other person administering the government of this province as hereinafter provided, be found at large or come within the said province, they or he shall in such case be deemed and taken to be guilty of high treason, and shall, on conviction of being so found at large or coming within the said province without such permission as aforesaid, suffer death accordingly: Provided always, That it shall and may be lawful for such Governor-general and High Commissioner, or if there shall be no such Governor-general and High Commissioner, then for the Governor-in-chief, Governor or other person administering the government of the province, acting for and in behalf of Her said Majesty, so soon as it shall to him appear consistent with the peace and tranquillity of this province, by any act or instrument under his hand and seal at arms, to grant permission for the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint H. Goddu, Rodolphe des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon, and Louis Gautier, or any of them, upon giving such security for their future good behaviour and loyal conduct as the said Governor-general and High Commissioner, or if there shall be no such Governor-general and High Commissioner, as the Governor-in-chief, Governor or other person administering the government of this province shall think fit, to return to this province and reside therein; and the said Wolfred Nelson, Robert Shore Milnes Bouchette, Bonaventure Viger, Simeon Marchessault, Henri Alphonse Gauvin, Toussaint Goddu, Rodolphe des Rivières, Luc Hyacinthe Masson, Louis Joseph Papineau, Cyrile Hector Octave Côte, Julien Gagnon, Robert Nelson, Edmund Burke O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, George Et. Cartier, John Ryan the elder, and John Ryan the younger, Louis Perrault, Pierre Paul Demaray, Joseph François Davignon and Louis Gautier, or such of them as shall receive such permission as aforesaid, shall not thenceforth be subject to any penalty or prosecution whatever for any treason or treasonable or seditious practices by them or him at any time heretofore committed: Provided also, That in any indictment for being so found or coming within the province without such permission as aforesaid, the burthen of proof of having obtained such permission of the said Governor-general and High Commissioner, Governor-in-chief, Governor, or other person administering the government of this province, shall lie upon the party accused or indicted thereof.

And it is hereby further ordained and enacted, by and with the authority aforesaid, That nothing in any Proclamation of Her Majesty contained shall

extend or be held or construed to extend to the cases of François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Amable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, or to the case of any other person or persons charged with the murder of the late George Weir, a lieutenant in Her Majesty's 32d regiment of foot, or with the murder of the late Joseph Chartrand; nor shall François Jalbert, Jean Baptiste Lussier, Louis Lussier, François Mignault, François Talbot, Amable Daunais, François Nicolas, Etienne Langlois, Gideon Pinsonault, Joseph Pinsonault, or any of them, nor shall any other persons suspected of being concerned in the said murders, or either of them, nor any person concerned in the escape from the custody of the Sheriff of Montreal of Louis Lussier, charged with the murder of the said George Weir, or who may have harboured the said Louis Lussier after, or aided him in such escape, derive any benefit or advantage whatsoever from any Proclamation of Her most gracious Majesty, nor shall any amnesty thereby intended to be granted be taken in any way to apply to such person or persons, or any of them.

Durham.

Ordained and enacted by the authority aforesaid, and passed in Special Council at the City of Quebec, the 28th day of June, in the second year of the reign of our Sovereign Lady Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth, in the year of our Lord One thousand eight hundred and Thirty-eight.

By his Excellency's Command,

W. B. Lindsay,
Clerk Special Council.

Copy of a PROCLAMATION issued by the Earl of *Durham* on the 28th June 1838.

Province of Lower Canada.

Durham.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith.

To all to whom these Presents shall come, or whom the same may concern, greeting:—

Proclamation.

Whereas Our province of Lower Canada hath been long disturbed by political dissensions, and was recently afflicted with rebellion and civil war, whereby it hath become necessary to suspend the constitution of the said province, and to provide for the temporary government thereof by means of extraordinary powers conferred upon Us by the Imperial Legislature: And whereas We are firmly resolved to punish with the utmost severity any future act of insubordination in Our said province, and more especially to prevent in future, as far as is in Our power, the occurrence of dissensions similar to those by which Our said province has been long disturbed as aforesaid, by effectually removing all causes of dissension, so that Our said province may be established in peace as a loyal and truly British colony: And whereas, in the exercise and in pursuance of the extraordinary powers as aforesaid, it hath been ordained and enacted by an Ordinance this day made and passed according to law, entitled, "An Ordinance to provide for the Security of the Province of Lower Canada," that it shall be lawful for Us to transport certain persons named in the said Ordinance to our island of Bermuda during Our pleasure; and that if the said persons, or certain other persons also named in the said Ordinance, who have withdrawn themselves from the pursuit of justice beyond the limits of Our said province, shall at any time hereafter, except by permission of Our Governor-general of Our provinces on the continent of North America, and High Commissioner for the adjustment of certain important questions depending in the provinces

vinces of Lower and Upper Canada, or if there shall be no such Governor-general or High Commissioner, by the permission of the Governor-in-chief or Governor or other person administering Our Government of Lower Canada, as provided in the said Ordinance, be found at large or come within Our said province, they shall in that case be taken and deemed to be guilty of high treason, and shall suffer death accordingly: And whereas, under the peculiar circumstances of Our said province as aforesaid, it is not less expedient in Our judgment than grateful to Our heart to mark, by an act of Royal grace, Our recollection of the ancient and well-proven loyalty of all Our Canadian subjects, rather than, by any severity of punishment, Our sense of the recent disaffection of some of them: Know ye, therefore, that We have ordained, directed and declared, and by these presents do ordain, direct and declare, that no further proceedings shall be had or taken against any persons whatsoever on account of any high treason or offences of a treasonable nature with which they now stand charged or wherewith they may be chargeable at this time, but that all such proceedings, without exception or distinction, save as hereinafter mentioned, shall henceforth cease and determine: And it is our further will and pleasure, that with the exception of such persons as are in that behalf named in the said Ordinance, and whose cases are thereby provided for, all persons at present in custody and charged with high treason or other offences of a treasonable nature, and also, with such exception as aforesaid, all persons who have withdrawn themselves from the pursuit of justice beyond the limits of Our said province, shall immediately, upon giveing such security for their future good and loyal behaviour as Our said Governor-general and High Commissioner, or if there should be no such Governor-general or High Commissioner, then the Governor-in-chief, Governor or the person administering the government of this province, shall direct, be at liberty to return to their homes, and may and shall there remain wholly unmolested by reason of any high treason or other offences of a treasonable nature in which he or they may have been concerned.

In testimony whereof we have caused these our Letters to be made Patent, and the Great Seal of Our said Province of Lower Canada to be affixed thereto.

Witness Our right trusty and right well-beloved John George Earl of Durham, Viscount Lambton, &c. &c., Knight Grand Cross of the most Honourable Military Order of the Bath, one of Our most Honourable Privy Council, and Governor-general, Vice-admiral and Captain-general of all Our Provinces within and adjacent to the Continent of North America, &c. &c. &c.

At Our Castle of St. Lewis, in Our City of Quebec, in Our said Province of Lower Canada, the 28th day of June in the year of our Lord 1838, and in the second year of Our reign.

(signed) *D. Daly*, Secretary.

CANADA.

COPIES of an ORDINANCE passed by the GOVERNOR and SPECIAL COUNCIL of *Lower Canada*, intituled, "An Ordinance to provide for the Security of the Province of Lower Canada;" and, of a PROCLAMATION issued by the Governor of *Lower Canada* on the 28th June last.

(*Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,*
14 *August* 1838.